REMARKS

Applicants thanks the Examiner for taking time to accommodate a telephone interview with our new counsel on January 14, 1999 regarding the Office Action dated September 15, 1998. Claims remaining in the present application are Claims 1-15 and 37-42. Independent Claims 1, 5 and 11 and dependent Claims 2-5, 7-10 and 12-15 have been amended herein. Dependent Claims 37-42 have been added. Claims 16-36 have been canceled without prejudice.

Applicants respectfully assert that Claims 1-15 as amended overcome the cited art of record for the rationale discussed below. Furthermore, since Claims 37-38 depend from Claim 1 as amended, Claims 39-40 depend from Claim 6 as amended, and Claims 41-42 depend from Claim 11 as amended, Applicants submit that Claims 37-42 are also allowable under 35 U.S.C. §§102(b) and 103(a).

35 U.S.C. §102(b)

Claims 1, 6 and 16 of the present application stand rejected under 35 U.S.C. §102(b) as being anticipated by Takemoto et al., US Patent No. 5,065,246 (hereinafter Takemoto). Moreover, Claims 1-36 of the present application stand rejected under 35 U.S.C. §102(b) as being anticipated by Parulski et al., US Patent No. 5,402,170 (hereinafter Parulski). Claims 16-36 have been canceled without prejudice. Applicants have reviewed the references and, for the following rationale, do not believe remaining Claims 1-15 as amended to be anticipated by the cited references.

Applicants note that no new matter is introduced as a result of these claim amendments and that support is found within discussions of the present application.

b

Independent Claims 1, 6 and 11

Independent Claims 1, 6 and 11 are amended herein to clarify that the present invention involves a digital imaging system, and that the processing data stored in the data cell includes settings of the capturing device at image capture time. Independent Claims 1, 6 and 11, as amended, claim a novel digital imaging system and method for correlating processing data and image data, wherein the claimed limitations include: *building a data cell containing processing data which includes settings of the capturing device at image capture time*, and *captured image data is processed using processing data that has been stored within the data cell.* In particular, Claim 1 as amended recites in pertinent part the limitations:

> 1. A digital imaging system capable of correlating processing data and image data, said digital imaging system comprising:
>
> ***
>
> a manager device ... for *building a data cell containing said processing data* and for *linking said data cell to said image data*, wherein *said processing data includes settings of said capturing device at image capture time*; and
>
> a processing device ... for *processing said image data using said processing data within said data cell*..

Applicants respectfully assert that while Takemoto purports to illustrate a focusing system and image input apparatus which stores an image data file and a coding system attribute code (Figure 10; col. 8, lines 50-63), Takemoto fails to teach or suggest storing "processing data" in a "data cell" which includes "settings" of the capturing device "at image capture time", all of which are claimed limitations in Claims 1 and 6 of the present application.

More specifically, Applicants understand Takemoto to teach using a coding system attribute code to indicate the compression system used for the data in an

b

image data file (col. 8, lines 50-56). However, nowhere does Takemoto disclose or suggest that any *processing information regarding the image data at image capture time be stored in a data cell for subsequent use.* In particular, Takemoto neither teaches or suggests storing "processing data" which includes "settings" of the capturing device "at image capture time" in a "data cell", nor does Takemoto teach or suggest "linking" the "data cell" to the "image data". Indeed, Applicants respectfully contend that Takemoto does not disclose or suggest the claimed limitations of the instant claims because Takemoto is primarily concerned with a focusing system, rather than a system for correlating processing data and image data, as is the case in the present claimed invention.

Conversely, as taught throughout the present application and as claimed, a manager device is used in the present invention for "building a data cell" containing processing data and for "linking" the data cell to the image data such that the processing data so stored in the data cell can be accessed in conjunction with the corresponding image data for performing image processing. Importantly, the processing data stored in the data cell includes "settings" of the capturing device "at image capture time" because, among other advantages, by saving the settings associated with a particular image at image capture time, the claimed invention enables the settings to be changed or adjusted for subsequent images, thereby allowing the capturing of successive images without waiting for the completion of processing of images captured previously (page 5, lines 15 to 19). This is in sharp contrast to the use of the attribute code taught in Takemoto which contains information about the compression format of the image data but *not* about settings of the capturing device at image capture time.

Furthermore, Applicants respectfully assert that while Parulski purports to illustrate an electronic camera connectable to a computer (col. 5, line 55 to col. 6, line 40), Parulski fails to teach or suggest storing "processing data" in a "data cell" which includes "settings" of the capturing device "at image capture time", all of which are claimed limitations in Claims 1, 6 and 11 of the present application.

More specifically, Applicants understand Parulski to teach using a "tethered camera application program" in the computer to select various options from a menu and to calculate the required storage space (col. 5, line 55 to col. 6, line 8). However, nowhere does Parulski disclose or suggest *using a data cell created by a manager device to store processing information regarding the image data at image capture time for subsequent use.* In particular, while Parulski teaches using a computer to facilitate manual user selection of various options, Parulski fails to disclose or suggest creating a "data cell" for storing "processing data" which includes "settings" of the capturing device "at image capture time". Moreover, Parulski also fails to teach or suggest "linking" the "data cell" to the "image data" to enable subsequent processing of the image data based on the stored processing data.

Applicants respectfully reiterate that, in contrast, as claimed in the present invention, a manager device is used for "building a data cell" containing processing data and for "linking" the data cell to the image data such that the processing data so stored in the data cell can be accessed in conjunction with the corresponding image data for performing image processing. Particularly, in the claimed invention, the processing data stored in the data cell includes "settings" of the capturing device "at image capture time" and thus advantageously enables the settings to be changed or adjusted for subsequent images by saving the settings associated with

b

a particular image at image capture time, thereby allowing the capturing of successive images without waiting for the completion of processing of images captured previously (page 5, lines 15 to 19). This is in sharp contrast to the teaching in Parulski which involves the use of the computer for manual entry of user options, but *not* for creating a data cell to save the settings of the capturing device at image capture time, as is claimed in the present invention. As such, Applicants respectfully contend that the present invention as claimed is patentably distinct from Parulski. Particularly, Applicants respectfully assert that the computer disclosed in Parulski fails to teach the manager device as disclosed and claimed in the present invention.

Since the instant claim limitations and the advantageous results are not taught or suggested by Takemoto or Parulski, Applicants respectfully contend that the cited references do not anticipate the present invention as claimed in Claims 1, 6 and 11 of the present application. As such, Applicants respectfully assert that independent Claims 1, 6 and 11 overcome the cited art of record and request the Examiner to review and approve Claims 1, 6 and 11 as amended.

Dependent Claims 2-5, 7-10 and 12-15

Applicants respectfully assert that the subject matter of dependent Claims 2-5, 7-10 and 12-15 of the present invention is not anticipated by Takemoto or Parulski, based on the same rationale discussed above for independent Claims 1,6 and 11. Therefore, Applicants submit that Claims 2-5, 7-10 and 12-15 are allowable in view of the cited references.

35 U.S.C. §103(a)

Claim 11 of the present application stands rejected under 35 U.S.C. §103(a) as being unpatentable over Takemoto in view of Sarbadhikari et al., US Patent No. 5,477,264 (hereinafter Sarbadhikari). Applicants have reviewed the references and, for the following rationale, do not believe Claim 11 as amended to be rendered obvious in view of the cited references.

Applicants note that no new matter is introduced as a result of these claim amendments and that support is found within discussions of the present application.

Independent Claim 11

Independent Claim 11 is amended herein to clarify that the present invention involves a digital imaging system, and that the processing data stored in the data cell includes settings of the capturing device at image capture time. Independent Claim 11, as amended, claims a computer-readable medium comprising program instructions for implementing steps for correlating processing data and image data in a digital imaging system, wherein the claimed limitations include: *building a data cell containing processing data which includes settings of the capturing device at image capture time*, and *captured image data is processed using processing data that has been stored within the data cell.* In particular, Claim 11 as amended recites in pertinent part the limitations:

> 11. A computer-readable medium comprising program instructions for correlating processing data and image data in a digital imaging system, wherein said program instructions, when executed by a computer system coupled to said digital imaging system, cause said digital imaging system to implement the steps of:
>
> ***

b

b) *building a data cell* with a manager device, wherein *said data cell contains said processing data*, and *said processing data includes settings of said capturing device at image capture time*;

c) *linking said data cell to said image data*; and

d) *processing said image data using said processing data within said data cell*..

Applicants respectfully assert that while Takemoto purports to illustrate a focusing system and image input apparatus which stores an image data file and a coding system attribute code (Figure 10; col. 8, lines 50-63), Takemoto fails to teach or suggest storing "processing data" in a "data cell" which includes "settings" of the capturing device "at image capture time", all of which are claimed limitations in Claim 11 of the present application (please see the above discussion with respect to Applicants' arguments traversing the 35 U.S.C. §102(b) rejections for details). Thus, Applicants respectfully assert that the claimed subject matter of Claim 11 is not rendered obvious in view of Takemoto.

Furthermore, while Sarbadhikari purports to teach using a removable memory card to store image data, Applicants respectfully submit that Sarbadhikari fails to disclose or suggest using the memory card to store "processing data" which includes "settings" of the capturing device "at image capture time", all of which are claimed limitations in Claim 11 of the present application.

More specifically, Applicants understand Sarbadhikari to teach using a "removable software-enhanced storage device" in an electronic imaging system. However, nowhere does Sarbadhikari disclose or suggest *using a data cell created by a manager device to store processing information regarding the image data at image capture time for subsequent use.* In particular, while Sarbadhikari teaches

using a removable memory card for storing image data and software routines, Sarbadhikari fails to disclose or suggest creating a "data cell" for storing "processing data" which includes "settings" of the capturing device "at image capture time". Moreover, Sarbadhikari also fails to teach or suggest "linking" the "data cell" to the "image data" to enable subsequent processing of the image data based on the stored processing data.

In contrast, as claimed in Claim 11, the computer-readable medium of the present invention comprises program instructions for implementing steps for correlating processing data and image data in a digital imaging system, wherein the claimed limitations include using a manager device for "building a data cell" containing processing data and for "linking" the data cell to the image data such that the processing data can be subsequently accessed in conjunction with the corresponding image data for performing image processing. Particularly, in the claimed invention, the processing data stored in the data cell includes "settings" of the capturing device "at image capture time" and thus advantageously enables the settings to be changed or adjusted for subsequent images by saving the settings associated with a particular image at image capture time, thereby allowing the capturing of successive images without waiting for the completion of processing of images captured previously (page 5, lines 15 to 19). This is in sharp contrast to the teaching in Sarbadhikari which involves the use of removable memory card for storing image data and software routines, but *not* for storing the settings of the capturing device at image capture time, as is claimed in the present invention. As such, Applicants respectfully contend that the present invention as claimed is not rendered unpatentable in view of Takemoto and Sarbadhikari, alone or in combination.

b

Since the instant claim limitations and the advantageous results are not taught or suggested by Takemoto or Sarbadhikari, alone or in combination, Applicants respectfully contend that, given the cited references, it would not have been obvious for a person of ordinary skill in the art at the time of the invention to use a manager device to build a data cell for storing processing data which can be subsequently accessed for processing associated image data, as is claimed in Claim 11 of the present application. As such, Applicants respectfully assert that independent Claim 11 overcomes the cited art of record and request the Examiner to review and approve Claim 11 as amended.

CONCLUSION

In view of the rationale presented above, Applicants respectfully submit that Claims 1-15, as amended, overcome the cited art of record and are therefore in condition for allowance under 35 U.S.C. §§102(b) and 103(a). Applicants further submit that added dependent Claims 37-42 are in condition for allowance since independent Claims 1, 6 and 11 from which Claims 37-38, 39-40 and 41-42 depend, respectively, are in condition for allowance. Applicants therefore earnestly solicit the Examiner to allow Claims 1-15 and 37-42.

b